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UNCLAS LILONGWE 000888

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SUBJECT: MALAWI SENTENCES CHILD TRAFFICKERS TO SEVEN  
YEARS HARD LABOR

REF: LILONGWE 729

1. (U) SUMMARY. ON SEPTEMBER 24, A MALAWIAN COURT SENTENCED THREE MEN TO SEVEN YEARS IMPRISONMENT WITH HARD LABOR FOR KIDNAPPING. ALTHOUGH MALAWI HAS YET TO ADOPT SPECIFIC TRAFFICKING LEGISLATION, THERE IS GROWING AWARENESS OF THE ISSUE AMONG THE COUNTRY'S LEADERS AND CIVIL SOCIETY. THE SENTENCING IN THIS CASE MAY INDICATE A NEW WILLINGNESS BY MALAWIAN COURTS TO METE OUT STIFFER TRAFFICKING PENALTIES. END SUMMARY.

2. (U) BONIFACE MANDERE, DEPUTY EXECUTIVE DIRECTOR OF LOCAL HUMAN RIGHTS NGO EYE OF THE CHILD, CONFIRMED TO POLOFF DURING AN OCTOBER 6 MEETING THAT A MALAWIAN COURT HAD SENTENCED TWO MALAWIANS AND A ZAMBIAN TO SEVEN YEARS IMPRISONMENT WITH HARD LABOR FOR KIDNAPPING. THE THREE MEN WERE ARRESTED WHILE ATTEMPTING TO SMUGGLE FIVE YOUNG BOYS ACROSS THE BORDER INTO ZAMBIA, APPARENTLY TO WORK ON TOBACCO ESTATES. LOCAL RESIDENTS, WHO WERE CONCERNED ABOUT THE BOYS' WELFARE, BROUGHT THE CASE TO THE ATTENTION OF POLICE.

3. (SBU) MALAWI DOES NOT HAVE ANY LAWS SPECIFICALLY PROHIBITING TRAFFICKING; HENCE THE COURTS STRUGGLE TO PROSECUTE TRAFFICKING CASES USING APPLICABLE KIDNAPPING AND LABOR LAWS. THE MALAWIAN JUDICIARY HAS PREVIOUSLY IMPOSED ONLY SMALL FINES (TYPICALLY LESS THAN USD 200) IN SIMILAR CASES (INCLUDING AN ATTEMPT EARLIER THIS YEAR TO SMUGGLE 10 EIGHT TO TWELVE-YEAR-OLD BOYS ACROSS THE SAME BORDER). SUCH APPARENT LENIENCY HAD "OUTRAGED" HUMAN RIGHTS WORKERS, MANDERE SAID. HIS ORGANIZATION FOLLOWED THE CASES CLOSELY AND PRESSED THE GOVERNMENT OF MALAWI (GOM) TO METE OUT SENTENCES "COMPATIBLE WITH THE GRAVITY OF THE CRIMES." WHILE PLEASED WITH THE RECENT CONVICTIONS, MANDERE NOTED HIS FRUSTRATION WITH THE MALAWIAN GOVERNMENT, WHICH WAS "MOVING TOO SLOWLY" TO ADOPT ANTI-TRAFFICKING LEGISLATION.

4. (U) ALTHOUGH THE EXTENT OF HUMAN TRAFFICKING IN MALAWI HAD NEVER BEEN QUANTIFIED, MANDERE BELIEVED THAT CHILD TRAFFICKING FOR AGRICULTURAL LABOR WAS A WIDESPREAD PROBLEM, AND THAT CHILDREN LIVING IN THE SOUTHERN REGION WERE ESPECIALLY VULNERABLE DUE TO CURRENT FOOD SHORTAGES. HE WAS ENCOURAGED BY RECENT EFFORTS BY THE LABOR MINISTRY TO RAISE AWARENESS OF HARMFUL CHILD LABOR PRACTICES. THESE INCLUDED PRESS RELEASES, TRAINING ON THE NEWLY-CREATED CHILD LABOR CODE OF CONDUCT, AND THE CREATION OF A "HAZARDOUS WORK SCHEDULE" NOW AWAITING FINAL REVIEW (REFTEL).

5. (SBU) COMMENT: THE GOM APPEARS TO BE MOVING IN THE RIGHT DIRECTION IN ADDRESSING TRAFFICKING ISSUES. WE SHOULD CONTINUE TO PRAISE THEM FOR THEIR EFFORTS TO INVESTIGATE AND PROSECUTE CASES, AND ENCOURAGE THEM TO RATIFY APPROPRIATE LEGISLATION TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS IN ACCORDANCE WITH UN CONVENTIONS.

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